IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 26704 of 2006(D)

PETITIONER:

A.K.VARKEY,
EDAPARAMBIL HOUSE, PUTHUPADY P.O.,
MUVATTUPUZHA.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:
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1. KOTHAMANGALAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KOTHAMANGALAM.

2. THE SECRETARY,
KOTHAMANGALAM MUNICIPALITY, KOTHAMANGALAM.

3. THE CHAIRMAN,
KOTHAMANGALAM MUNICIPALITY, KOTHAMANGALAM.

BY ADV. SRI.V.M.KURIAN FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 26704 OF 2006

Dated this the 29th day of November, 2006

J U D G M E N T

The Municipality has filed a detailed counter affidavit wherein two contentions are seen raised.

(1) The delay is on account of want of funds.

(2) The Municipality has to adhere to the priorities in the matter of releasing payments due to various contractors

2. The instant work is of the year 2001. I find force in the submissions of the learned counsel for the petitioner that the petitioner's bill for CP had to be given topmost priority since it pertains to the year 2001. All the other contractors who had executed works subsequent to 2001, according to the learned counsel for the petitioner, have been paid off.

3. I notice that in the counter affidavit it is not contended that on considerations of priority, the petitioner's bill will have to be delayed. The reason for the delay which is stated in the counter affidavit is only lack of funds.

4. Under these circumstances, the writ petition will stand allowed in the following terms.

The respondents shall pay all the amounts due to the petitioner on account of contractors profit within a period of six weeks of the petitioner making available a copy of this judgment.

PIUS C.KURIAKOSE, JUDGE

Rp